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PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re the Application of:

HAMER et al.

Serial No.: 10/656,896

Filed: 09/05/2003

Atty. Docket No.: 3123-514

For: "ONE BUTTON EXTERNAL
BACKUP"

Group Art Unit: 2818

Examiner:

PETITION UNDER 37 CFR § 1.47(a)

CERTIFICATE OF MAILING

I HEREBY CERTIFY THAT THIS CORRESPONDENCE IS
BEING DEPOSITED WITH THE UNITED STATES POSTAL
SERVICE AS FIRST CLASS MAIL IN AN ENVELOPE
ADDRESSED TO COMMISSIONER FOR PATENTS, P.O.
BOX 1450, ALEXANDRIA, VA 22313-1450 ON THIS 25th
DAY OF MARCH, 2004.

Tonsina R. Krieger

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

This Petition Under 37 CFR § 1.47(a) is being submitted after diligent efforts have been made to find or reach joint inventor James McGrath. Despite such diligent efforts, Mr. McGrath has not been found or reached.

Pursuant to 37 CFR § 1.47(a), when a joint inventor refuses to join in an application for patent or cannot be found or reached after diligent effort, the application may be made by the other inventors on behalf of themselves and the non-signing inventor. A grantable petition under 37 CFR § 1.47(a) requires:

(1) proof that the non-signing inventor cannot be reached or located, notwithstanding diligent effort, or refuses to sign the oath or declaration after having been presented with the application papers (specification, claims and drawings);

- (2) an acceptable oath or declaration in compliance with 35 USC §§ 115 and 116;
- (3) a petition fee;
- (4) a surcharge of \$130 if the petition and/or declaration is not filed at the time of filing the application; and,
- (5) a statement of the last known address of the non-signing inventor.

In accordance with 37 CFR § 1.47(a), the following documents accompany this Petition:

(a) a Statement of Facts signed by Tejpal S. Hansra (with attachments); (b) Declarations signed by all of the available joint inventors with the signature block of the non-signing inventor (James McGrath) left blank; and, (c) a Statement of Last Known Address of the non-signing inventor.

The Commissioner is hereby authorized to debit Deposit Account No. 50-2198 in the amount of \$130.00 for the petition fee. Furthermore, the Commissioner has already been authorized to debit Deposit Account No. 50-2198 in the amount of \$130.00 for the late declaration surcharge, as set forth in the accompanying Response to Notice to File Missing Parts. Finally, the Commissioner is hereby authorized to debit Deposit Account No. 50-2198 for any other fees associated with filing this paper.

Please address all future correspondence to the address below.

Respectfully submitted,



Tejpal S. Hansra
Registration No. 38,172
Hansra Patent Services
4525 Glen Meadows Place
Bellingham, WA 98226
(360) 527-1400

Date: MARCH 25, 2004



HANSRA PATENT SERVICES

4525 Glen Meadows Place

Bellingham, WA 98226

Tel. 360-527-1400

Fax 360-527-1450

December 8, 2003

Mr. James McGrath
436 Whisman Park Drive
Mountain View, CA 94043

Re: U.S. Patent Application entitled "ONE BUTTON EXTERNAL
BACKUP"
Maxtor Disclosure No.: 826
Our File No. 3123-514

Dear James:

We have now received a notification from the U.S. Patent Office that formal documents associated with the above-identified patent application are required to be filed. Accordingly, enclosed are: (1) a copy of the patent application which was filed with the U.S. Patent Office on 09/05/2003; (2) a Declaration that indicates that you, John Harner, Patrick Weiher, James Lin and Michael Webster are the inventors of the subject matter of the application; and, (3) an Assignment whereby all of you assign all rights in the invention to Maxtor Corporation. These documents are also being sent to each of the other inventors.

I would appreciate it if you would review and execute the Declaration and Assignment. **Please note that the Assignment must be notarized. Accordingly, a Notary Public must witness and attest to your signing of the Assignment.** A California All-Purpose Notary Form has been supplied for the notary section of the Assignment.

Mr. James McGrath

December 8, 2003

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Once the Declaration and Assignment have been signed, please fax a signed copy of each to me and mail me the originals. I would appreciate it if you could forward the originals to me so that I receive them by January 15, 2004, at the latest.

If you have any questions, please contact me at (360) 527-1400 (direct). Best regards.

Sincerely,

A handwritten signature in cursive script that reads "Paul".

Paul S. Hansra

Enclosures



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Serial No.: 10/656,896

Filed: 09/05/2003

Atty. Docket No.: 3123-514

For: "ONE BUTTON EXTERNAL
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Examiner:

STATEMENT OF TEJPAL S. HANSRA

CERTIFICATE OF MAILING

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BOX 1450, ALEXANDRIA, VA 22313-1450 ON THIS 25th
DAY OF MARCH, 2004.

Tonsina R. Krieger

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

I, Tejpall S. Hansra, hereby declare as follows:

1. On September 5, 2003, U.S. Patent Application Serial No. 10/656,896 was filed with the U.S. Patent Office.
2. On or about November 29, 2003, I received a Notice to File Missing Parts for the above-identified patent application.
3. On or about December 8, 2003, I sent a cover letter, along with copy of the application (specification, claims and drawings), a Declaration and an Assignment, via U.S. Mail, to Mr. James McGrath at 436 Whisman Park Drive, Mountain View, CA 94043. (A copy of the cover letter is attached.)

4. I attempted to contact Mr. McGrath at his last known home telephone number, at least, on December 8, 2003, December 13, 2003 and December 19, 2003. I was unable to reach Mr. McGrath at his home number.

5. On or about January 16, 2004, I learned of a possible work number for Mr. McGrath. On January 16, 2004, I left a message for Mr. McGrath on what is believed to be his work voicemail, but my call was never returned. The message associated with the voicemail box identified the voicemail box as being that of Jim McGrath. It also provided an e-mail address for Mr. McGrath.

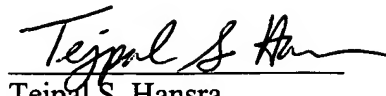
6. On or about January 20, 2004, I attempted to contact Mr. McGrath via e-mail. A copy of my e-mail message is attached. I never received a response to my e-mail message, nor was it returned as undeliverable.

7. On or about January 20, 2004, I also left another message for Mr. McGrath on what is believed to be his work voicemail, but my call was never returned.

8. On or about January 22, 2004, I sent another cover letter, along with copy of the application (specification, claims and drawings), a Declaration and an Assignment, via U.S. Mail, to Mr. James McGrath at 436 Whisman Park Drive, Mountain View, CA 94043. This time, however, the cover letter and associated materials were sent via Certified Mail/Return Receipt Requested. (A copy of the cover letter is attached.)

9. On or about March 15, 2004, the envelope I mailed on January 22, 2004 was returned to me as unclaimed. A copy of the returned envelope is attached.

I hereby state that all of the statements contained herein are true to the best of my knowledge and belief.



Tejpal S. Hansra
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Hansra Patent Services
4525 Glen Meadows Place
Bellingham, WA 98226
(360) 527-1400

Date: MARCH 25, 2004